IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9583 of 2006
With
SPECIAL CIVIL APPLICATION No. 22212 of 2006
With
SPECIAL CIVIL APPLICATION No. 23096 of 2006
To
SPECIAL CIVIL APPLICATION No. 23097 of 2006
With
SPECIAL CIVIL APPLICATION No. 19638 of 2006
With
SPECIAL CIVIL APPLICATION No. 23402 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMESH KARSAN VASANI (PATEL) - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR BY MANKAD for Petitioner(s) : 1,
MR DIPEN DESAI, AGP for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 29/11/2006

ORAL JUDGMENT

1. Rule. Mr.Desai, learned AGP waives service of notice of Rule for the respondent State Authorities. With the consent of the learned Counsel appearing for both the sides, the matter is finally heard today.
2. The petitioners have preferred the petitions for challenging the valuation made ultimately by the State Valuation Committee and consequently the petitioners are called upon to make the payment of the premium as per the valuation by the State Government.
3. Upon hearing the learned Counsel appearing for the petitioners as well as the learned Assistant Government Pleader, it appears that there is no dispute on the point that the hearing has not been given to the petitioners before the finalisation of the valuation of the land in question. This Court had an occasion to consider the matter on the aspects of following of the principles of natural justice

at the time when the valuation of the land is to be finalized for fixation of the amount of premium as per Section 43 of the Act in case of **"Bharatbhai Kantilal Jethwa v. State of Gujarat and Others", reported in 2006(6) GLH, 303** and as per the view taken by the Coordinate Bench of this Court, the principles of natural justice is required to be followed to the extent of giving opportunity of hearing to the person concerned, while fixing the amount of premium.

4. Mr.Desai, learned AGP is not in a position to dispute the proposition laid down by this Court in the above referred decision and he further submitted that the State Government has not carried the matter before the higher forum.

5. Under the above circumstances, as the opportunity of hearing has not been given to the petitioners, the impugned decision in all the concerned petition for fixation of the valuation and consequential action for calling upon the concerned petitioners to pay the premium can be said as in breach of the principles of natural justice. However, in view of the above referred

decision of this Court in case **"Bharatbhai Kantilal Jethwa"** (supra), the opportunity of hearing shall be required to be given to the petitioner before the State Valuation Committee, which has ultimately to finalize the valuation since the amount of premium in the present cases are exceeding Rs.50 lac.

6. Under the above circumstances, the impugned orders are quashed and set aside on the ground of breach of principles of natural justice and it is further directed that the concerned petitioners shall be given opportunity of hearing before the State Valuation Committee and at that stage, the concerned petitioners shall be at liberty to put forward their case on the aspects of valuation of the land in question, including by production of the authenticated records and the State Valuation Committee shall take appropriate decision in accordance with law, preferably within a period of three months from the date of receipt of the order of this Court.

7. The petitions are allowed to the aforesaid

extent. Rule is made absolute accordingly. Considering the facts and circumstances, there shall be no order as to costs.

29.11.2006 **(Jayant Patel, J.)**

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